

REMARKS

In the Office action mailed February 20, 2004, claims 1–21 are rejected and objections are raised with regard to the priority claim, an Information Disclosure Statement filed with the application, the drawings, the specification, and claims 5, 8, 16, and 19. With respect to the claims, claims 1–5, 8, 12–16, and 19 are rejected under 35 U.S.C. § 102(b) over *Narten et al.*, “Neighbor Discovery for IP Version 6 (IPv6)” (“*Narten*”). Claims 6–7, 9–11, 17–18, and 20–21 are rejected over *Narten* in view of Perkins, ed. “IP Mobility Support” (“*Perkins*”) under 35 U.S.C. § 103(a).

Applicants traverse the rejections and objections, amend claims 5, 6, 16, and 19 and amend the specification, drawings, and abstract. Applicants submit that no new matter is added by these amendments.

Applicants thank Examiners Caldwell and Kennedy for their time and attention during the personal interview conducted on June 7, 2004.

As a preliminary matter, the filing date of the provisional application upon which the present application claims priority is September 14, 2000, as previously indicated in the specification.

Applicants Enclose a Replacement Form 1449

Applicants enclose a Form PTO/SB/08 to replace the PTO Form 1449 previously submitted on December 14, 2000. The SB/08 includes page numbers for the disclosed references, as requested. Applicants therefore request that the references be considered.

Amendments to the Drawings Satisfy the Examiner's Objections

Applicants amend Fig. 24 to address Examiner's objections. Applicants submit that no new matter is added by the amendment since the specification, as originally filed, describes the figure as amended.

The Specification as Amended Satisfies the Examiner's Objections

Page 13, line 19 of the specification has been amended to correctly reflect Figure 13. "mobile node 100c" is replaced with "mobile node 110c."

Abstract

With respect to the Abstract, the Applicants respectfully decline to amend the Abstract at this time. Applicants submit that the Abstract, as filed, fulfills the requirements of MPEP § 608.01(b), i.e., it "enable[s] the reader thereof, regardless of his or her degree of familiarity with patent documents, to ascertain quickly the character of the subject matter covered by the technical disclosure and should include that which is new in the art to which the invention pertains." If the Examiner would point out with particularity the lines within MPEP § 608.01(b) that require the abstract to describe the subject matter of an application's dependent claims, Applicants would be happy to amend the Abstract at that time.

Claims 5, 8, 16, and 19 are Amended to Obviate the Examiner's Objections

Claims 5, 8, 16, and 19 are amended such that "second host" is replaced with "the at least one host."

Independent Claims 1 and 12 are Patentable Over the Cited References

Independent claims 1 and 12 are patentable over *Narten*. The present application relates in general to generating alternate communication routes in case a first attempted communication route fails. In particular, independent claim 1 recites in part:

attempting to identify a router that a first host can communicate with; and

if the attempt fails, attempt to identify at least one host that the first host can communicate with, the at least one host having a network layer address network prefix that differs from a network layer address network prefix of the first host.

Narten describes a host's response to not being able to utilize a particular router.

"When a router or the path to a router fails, a host actively searches for functioning alternates." The explicit language of claims 1 and 12, in contrast, recite attempting, if the attempt to identify a router fails, "to identify at least one *host* that the first host can communicate with". Hosts and routers are not the same. In *Narten*, a host is defined as "any node that is not a router." P. 4, section 2.1.. Similarly, in the specification, a host is defined as "a node not offering routing services". see Specification, p. 17, lines 13–14.

Narten, does not even contemplate a scenario in which an attempt to identify a router fails to result in the identification of any routers. *Narten* discloses that a "host MUST retain at least two router addresses and SHOULD retain more." P. 52, ¶ 4. Since *Narten* requires knowledge of two router addresses (i.e., two successful attempts to identify a router), *Narten* could not possibly disclose a response to a failure to identify a router.

Since *Narten* fails to disclose attempting to identify a host if attempts to identify a router fail, and because *Narten* requires successful identification of at least two routers, Applicants submit that independent claims 1 and 12 are patentable over *Narten*. Applicants further submit that claims 2–11 and 13–21, being dependent upon claims 1 and 12, are therefore patentable over *Narten*, as well. Applicants respectfully request that the rejections to the pending claims be withdrawn and that the application be passed on to allowance.

Dependent Claims 8 and 19 are Patentable Over Narten

In addition to the reasons cited above, claims 8 and 19 are patentable over *Narten*, because *Narten* fails to describe “determining an Internet Protocol address of the at least one other host.” *Narten*, discloses methods of “address resolution” (i.e., “[h]ow nodes determine the link-layer address of an on-link destination (e.g., a neighbor) given only the destination’s IP address.”) P. 10, Section 3. In *Narten*, the Internet Protocol address is given. In contrast, claims 8 and 19 specifically recite determining Internet Protocol addresses. Therefore, in addition to the reasons set forth with respect to claims 1 and 12, claims 8 and 19 are patentable over *Narten*. Applicants respectfully request that the rejections to the pending claims be withdrawn and that the application be passed on to allowance.

Claims 6–7, 9–11, and 20–21 Are Patentable Over the Cited References

Claims 6–7, 9–11, 18–19, and 20–21 are rejected over *Narten* in light of *Perkins*. As *Perkins* fails to cure the deficiencies of *Narten* with respect to independent claims 1 and 12, claims 6–7, 9–11, 18–19, and 20–21 are patentable over the combination of *Narten* and *Perkins*. Applicants respectfully request that the rejections to the pending claims be withdrawn and that the application be passed on to allowance.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response other than as reflected on the enclosed Amendment Transmittal Letter. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. BBNT-P01-013 from which the undersigned is authorized to draw.

Dated: June 21, 2004

Respectfully submitted,

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Attachments

Replacement Sheet of Drawing
Form PTO/SB/08 replacing Form 1449 as filed December 14, 2000